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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,735	03/21/2000	Shalom Levin	EPLC/03	7129
30954	7590	06/02/2006	EXAMINER	
LATHROP & GAGE LC 2345 GRAND AVENUE SUITE 2800 KANSAS CITY, MO 64108			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,735

Applicant(s)

LEVIN ET AL.

Examiner

Árpád Fábián Kovács

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-32 is/are pending in the application.
- 4a) Of the above claim(s) 23-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

Claims 9, 12, 16, 19:

drawn to a receiver including a receiving portion & at least a plurality of flexible members including platforms / first portions / first end & engaging portions / second end / second portions;

Amended claim 23, new claim 27:

drawn to separate receiving portion and flexible members (as now amended in claim 23);

drawn to separate receiver and holding members with flange (as now presented in new claim 27).

Currently, no claim is generic.

Newly submitted claims 23-32, that includes amended claims 23-26 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

(1) unlike Species represented by independent claims 9, 12, 16 and 19, the Species of independent claims 23 & 27 either have separate receiving portion from the flexible members (cl. 23) or separate receiver and holding members with flange (cl. 27);

(2) applicant also remarked/argued on page 9, line 3-4, that claim 23 recites separateness of the receiving portion and respective flexible members. In the remarks/arguments on bottom of page 9 and continuing on page 10, new claim 27 recites that the receiver for receiving a rotatable member is separate from the holding members.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly amended feature “platforms” (cl. 9); “discontinuous” (cl. 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

For examination purposes it will be construed that the following elements are the same: platforms, first portions, first end; and engaging portions, second end, second portions.

Since the Applicant did not differentiate claim 19 from claim 12 (see Remarks on page 9), it is considered that both claims represent the same embodiment. If the Applicant argues otherwise, than it should be grouped with restricted species of cl. 23 & 27.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from

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the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

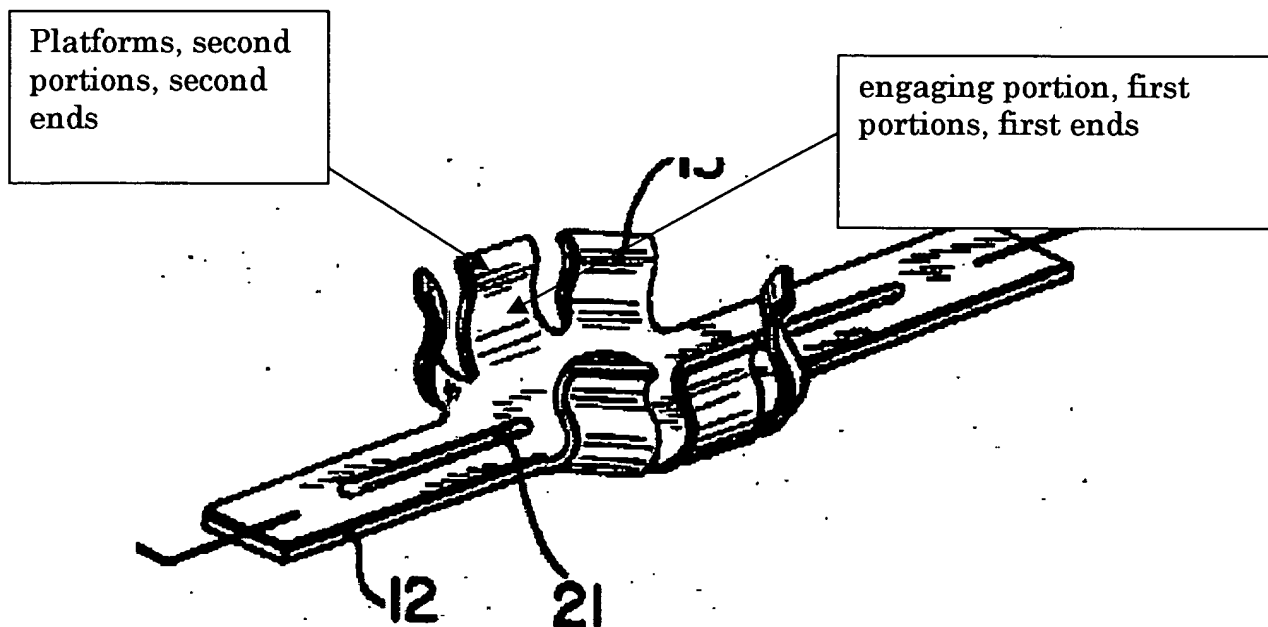
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim(s) 9-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (3670413).

As shown in the marked up figures below, Weber discloses:



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independent cl. 9:

lawnmower blade assembly comprising:

a shaft (15);

a stub (hub 14: groove 19 & cylindrical portion 20) in communication with shaft (fig 2);

a blade (12);

a receiver coupled to the blade (fig 2) including:

a receiving portion (central web 22);

flexible members (spring clips 13) including:

engaging portions and platforms disposed at opposite ends (see fig above);

cl. 10:

shaft, stub, blade, receiver are coaxial (fig 2);

cl. 11:

stub outer & receiving portion inner surfaces capable of allowing a sufficient but minimal amount of play (fig 3);

independent cl. 12:

lawnmower blade comprising:

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a blade body, cutting portions & platform (12)

a receiver coupled to the platform, and the receiver & platform are substantially coaxial (fig 2) including:

flexible members (spring clips 13) including:

first and second portions disposed at opposite ends (see fig above);

cl. 13:

first portions of the flexible members include bodies for spring like behavior (spring clips 13);

cl. 14:

receiver includes: a receiving portion (central web 22);

cl. 15:

receiving portion inner surface capable of receiving a portion of a rotatable member & allowing a sufficient but minimal amount of play (fig 3);

independent cl. 16:

lawnmower blade comprising:

a blade body, cutting portions & platform (12)

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a receiver coupled to the platform, and the receiver & platform are substantially coaxial (fig 2) including:

a receiving portion (central web 22);

flexible members (spring clips 13) including:

first and second portions disposed at opposite ends (see fig above);

cl. 17:

flexible members include bodies for spring like behavior (spring clips 13);

cl. 18:

receiving portion inner surface capable of receiving a portion of a rotatable member & allowing a sufficient but minimal amount of play (fig 3);

independent cl. 19 (also see drawing objection above):

lawnmower blade comprising:

a blade body, cutting portions & platform (12)

a receiver coupled to the platform, and the receiver & platform are substantially coaxial (fig 2) including:

flexible members (spring clips 13) including:

first ends including first portions and second ends including second portions disposed at opposite ends (see fig above);

cl. 20:

first portions of the flexible members include bodies for spring like behavior (spring clips 13);

cl. 21:

receiver includes: a receiving portion (central web 22);

cl. 22:

receiving portion inner surface capable of receiving a portion of a rotatable member & allowing a sufficient but minimal amount of play (fig 3);

Response to Arguments

5. Applicant's arguments filed 5/18/2006 have been fully considered but they are not persuasive.

Applicant is requested to review the above detailed rejection in view of Applicant's arguments and amendments.

In re arguments on page 9, lines 7-14, appears to be directed to the Species restricted out.

In response to applicant's argument that Weber fails to teach structure that would have holding forces of the blade etc...(page 9, ln 15-21), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). And furthermore, it is unclear what "structure" is missing from Weber that is claimed.

Arguments with respect to new claims 27-32 are not germane, since it has been restricted out.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Árpád Fábián Kovács
Primary Examiner
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ÁFK